

REMARKS

Claims 1-21 are pending in the subject application.

Applicants have amended the specification to correct grammatical errors and claims 1-21 to improve the language and more particularly point out and distinctly claim the subject matter of the present invention. Support for the claim amendments are self-explanatory and can be found throughout the specification as originally filed. No new matter has been introduced.

Applicants request favorable reconsideration of the subject application in view of the amendments and the following remarks.

Information Disclosure Statement

The Examiner's Action requested that references AB, AC, and AD be submitted in the form of a PTO/SB/08A.

In response, Applicants submit copies of the 3 references together with the PTO/SB/08 form. These references were previously cited in the PTO-1449 form filed together with the information disclosure statement on October 3, 2005.

Specification

The Examiner's Action objected to the specification because of the informalities.

In response, Applicants have amended the specification to correct grammatical errors. Accordingly, the objection has been overcome.

Claim Objections

The Examiner's Action objected to claims 1-21 because of informalities.

In response, Applicants have amended claims 1-21 to correct the informalities.

Accordingly, the objection has been overcome.

Claim Rejections - 35 U.S.C. §112

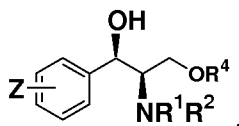
The Examiner's Action rejected claims 1-15 under 35 U.S.C. 112, second paragraph, as being indefinite.

In response, Applicants have amended claims 1, 13, and 15 to more particularly point out and distinctly claim the subject matter of the present invention. Additionally, Applicants submit that claim 15 depends on claim 1 which states that "R⁴ being an oxygen protecting group" at line 7 of the amended claim 1. Thus, R⁴ is defined in claim 15. Accordingly, the rejection has been overcome.

Claim Rejections – 35 USC §102

The Examiner's Office Action rejected claims 16 and 19-21 under 35 U.S.C. §102(b) as being anticipated by each of the nine cited references.

Applicants submit that to anticipate a claim, each and every element of the claim must be found in a single prior art reference, either expressly or inherently. In response to the Examiner's rejection, Applicants submit that none of the 9 cited references teach the present invention as set forth in claims 16 and 19-21, either expressly or inherently. The present invention as set forth in the amended claim 16 is directed to a compound or its enantiomer having a formula of



R¹, R² is an amino protecting group, R⁴ is an oxygen protecting group, and Z is

NO₂, CH₃SO₂, or CH₃CH₂SO₃. When Z is NO₂ at 4-position of the phenyl, R¹ is N=O, R² is COCH₃, R⁴ is an alkyl, substituted alkyl, benzyl, substituted benzyl, or trialkylsilyl; when Z is NO₂ at 4-position of the phenyl, R¹, R² is CH₃, the ligand is (1R, 2R)-2-*N,N*-dimethylamino-1-(4-nitrophenyl)-3-*O-R⁴*-1-propanol.

None of the 9 cited references discloses, either expressly or inherently, a compound having the above formula or its enantiomer with Z being NO₂, CH₃SO₂, or CH₃CH₂SO₃. Moreover, none of the 9 cited references discloses, either expressly or inherently, that when Z is NO₂ at 4-position of the phenyl, R¹ is N=O, R² is COCH₃, R⁴ is an alkyl, substituted alkyl, benzyl, substituted benzyl, or trialkylsilyl and when Z is NO₂ at 4-position of the phenyl, R¹, R² is CH₃, the ligand is (1R, 2R)-2-*N,N*-dimethylamino-1-(4-nitrophenyl)-3-*O-R⁴*-1-propanol. Since none of the 9 cited references provides each and every element of the claimed invention as set forth in the amended claim 16, the present invention as set forth in the amended claim 16 is not anticipated by these cited references. Since claims 19-21 depend on claim 16, either directly or indirectly, claims 19-21, as amended, are also patentable over the cited prior art.

In view of the foregoing amendments and remarks, Applicants believe that all objections and rejections have been overcome and Claims 1-21, as amended, are in condition for allowance, early notice of which is requested.

Please charge any required fees to deposit account no. 50-2586 and notify
Applicants' attorney.

Respectfully submitted,

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